

BIJAL V. VAKIL (CA State Bar No. 192878)
bvakil@whitecase.com
ALLEN WANG (CA State Bar No. 278953)
awang@whitecase.com
WHITE & CASE LLP
3000 El Camino Real
Five Palo Alto Square, 9th Floor
Palo Alto, CA 94306-2109
Telephone: (650) 213-0300
Facsimile: (650) 213-8158

Attorneys for Plaintiff
Google Inc.

Jonathan D. Baker (CA Bar No. 196062)
Michael D. Saunders (CA Bar No. 259692)
Gurtej Singh (CA Bar No. 286547)
FARNEY DANIELS PC
411 Borel Avenue, Suite 310
San Mateo, California 94402
Telephone: (424) 268-5200
Email: jbak@farneydaniels.com
msaunders@farneydaniels.com
tsingh@farneydaniels.com

Counsel for Defendants Creative Labs, Inc.
and Creative Technology Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE INC.,

Plaintiff,

v.

CREATIVE LABS, INC. and
CREATIVE TECHNOLOGY LTD.,

Defendants.

Case No. 3:16-cv-02628-JST

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO MOVE
HEARING ON CREATIVE'S
MOTIONS TO DISMISS,
CREATIVE'S MOTION TO
STAY, AND CASE
MANAGEMENT CONFERENCE
TO NEW DATE AND ENLARGE
TIME FOR BRIEFING**

[Civil L.R. 6-1, 6-2, 7-12]

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, Google Inc. (“Google”), Creative Labs,
2 Inc. and Creative Technologies Ltd. (collectively “Creative”), through their undersigned counsel,
3 hereby agree and stipulate as follows:

4 WHEREAS, on June 9, 2016, Google served its complaint upon Creative Labs, Inc.;

5 WHEREAS, on June 8, 2016, this Court set the Case Management Conference for August
6 24, 2016;

7 WHEREAS, on June 29, 2016, the parties filed a stipulation to extend the deadline for
8 Creative to respond to Google’s complaint to September 13, 2016;

9 WHEREAS, on June 29, 2016, this Court granted the parties’ stipulation and rescheduled
10 the Case Management Conference to September 28, 2016;

11 WHEREAS, on September 13, 2016, Creative filed a Motion to Stay Proceedings, a
12 Motion to Dismiss Pursuant to Rule 12(b)(6), and a Motion to Dismiss Pursuant to Rule 12(b)(1)
13 (“Creative’s motions”), all for hearing by this Court on November 3, 2016;

14 WHEREAS, on September 21, 2016, the parties submitted a stipulation (Dkt. No. 26) and
15 proposed order to extend the briefing schedule on Creative’s motion, and requested that the case
16 management conference and the hearings on Creative’s motions “be changed to November 9,
17 2016 or another date specified by the Court”;

18 WHEREAS on September 21, 2016, the Court entered an order (Dkt. No. 27) granting the
19 parties’ stipulation, but changing the case management conference and hearing date to November
20 17, 2016;

21 WHEREAS, counsel for Creative has a scheduling conflict with the November 17, 2016
22 hearing and case management conference date selected by the Court;

23 WHEREAS, Google’s oppositions to Creative’s motions are currently due October 10,
24 2016, and Creative’s replies in support of Creative’s motions are currently due 17 days later on
25 October 27, 2016;

26 WHEREAS, Pursuant to Civil L.R. 6-1, the parties have conferred and agree and request
27 that: (1) the hearings on Creative’s motions, currently set for November 17, 2016, be moved to
28 December 1, 2016; (2) the Case Management Conference currently also set for November 17,

2016 be moved to the same date of December 1, 2016; and (3) the time for Google to oppose Creative's motions be extended by 14 days from October 10, 2016 to October 24, 2016.

WHEREAS, the parties' requested time modification does not affect any other deadline in this case,

NOW THEREFORE, pursuant to Civil L.R. 6-1 and 6-2, Google and Creative, by and through their respective counsel of record, hereby stipulate and respectfully request as follows:

1. The date of the Initial Case Management Conference, currently set for November 17, 2016, be changed to December 1, 2016;
2. The date of the hearings on Creative's motions, currently set for November 17, 2016, be reset for December 1, 2016;
3. The deadline for Google to oppose Creative's motions, currently due October 10, 2016 be extended by 14 days to October 24, 2016; and
4. The time for Creative to file its replies in support of Creative's motions shall remain at a total of 17 days after Google files its oppositions.

Dated: October 10, 2016

Respectfully submitted,

By: /s/ Bijal V. Vakil
Bijal V. Vakil

Attorneys for Plaintiff
Google Inc.

Dated: October 10, 2016

Respectfully submitted,

By: /s/ Jonathan Baker
Jonathan Baker

Attorneys for Defendants
Creative Labs, Inc. and Creative Technologies Ltd.

ATTESTATION CLAUSE

I, Jonathan Baker, declare that Bijal V. Vakil, counsel for Plaintiff, has authorized me to add his e-signature and to file the foregoing document STIPULATED REQUEST AND [PROPOSED] ORDER TO MOVE HEARING ON CREATIVE'S MOTIONS TO DISMISS, CREATIVE'S MOTION TO STAY, AND CASE MANAGEMENT CONFERENCE TO NEW DATE AND ENLARGE TIME FOR BRIEFING.

Dated: October 10, 2016

By: /s/ Jonathan Baker

Jonathan Baker

[PROPOSED] ORDER

Plaintiff Google Inc. and Defendants Creative Labs, Inc. and Creative Technology Ltd. ("the parties") have stipulated to reset the Initial Case Management Conference, currently set for November 17, 2016, and the hearings on Creative's Motions currently set on the same date, to December 1, 2016. The parties have also stipulated to extend the deadline for Google to oppose Creative's Motion to Stay Proceedings, Creative's Motion to Dismiss Pursuant to Rule 12(b)(6), and Creative's Motion to Dismiss Pursuant to Rule 12(b)(1) ("Creative's Motions") by 14 days, moving it from October 10, 2016 to October 24, 2016.

The parties' joint stipulation is GRANTED. Google's oppositions to Creative's Motions shall be due by October 24, 2016. Creative shall have 17 days to reply in support of Creative's Motions. The Initial Case Management Conference and the hearings on Creative's Motion to Stay Proceedings, Creative's Motion to Dismiss Pursuant to Rule 12(b)(6), and Creative's Motion to Dismiss Pursuant to Rule 12(b)(1) are hereby reset for December 1, 2016.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 11, 2016By: Jon S. Tigar
United States District Judge